

In re Appln. of MONTAGNINO, et al.
Application No. 10/008,346

REMARKS

Reconsideration of the application is respectfully requested. An Office action dated January 26, 2004 is presently pending in the application. Claims 1 and 7 were amended in this Amendment. No claims have been added or cancelled; therefore, Claims 1-4 and 6-34 are pending in the application.

The Section 103 Rejection of the Claims

Claims 1-4 and 6-34 were rejected in the Office action under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 5,886,302 to Germantown, et al, in view of U.S. Patent No. 5,894,112 to Kroll, et al., U.S. Patent No. 4,487,276 to Swersey, et al., U.S. Patent No. 6,265,675 to Hübler, et al., and Applicant's own admission of prior art. This rejection is respectfully traversed.

The present invention is directed to a weigh scale having, *inter alia*, a platform made of a fiber-filled polyester thermosetting material. This material permits the scale to be formed with integral receptacles, and the platform to support load cells in the receptacles independent of other support. Other support may be provided or not, but is not needed to support the load cells. Claim 1, as amended, is directed to a scale having, *inter alia*, at least two integrally formed receptacles on the bottom surface of a platform and at least two load cells, one each mounted in each one of the receptacles, and configured for generating data regarding the weight of an object on the platform. Each load cell has a separate foot associated therewith, and each foot is configured to engage a contact surface such as the ground. Movement of the foot relative to the platform generates the data regarding the weight of the object on the platform. The platform and the receptacles provide support for the load cells independent for the need for additional support. This combination of features is not shown, described, or made obvious by the cited references.

The Office action correctly points out that *Germantown* does not sufficiently disclose load cells receptacles formed on the bottom of a weighing platform. Instead, as is clear from the disclosure in *Germantown*, the description of FIG. 5 of that reference discloses only an alternate embodiment of a bottom of the platform. Nothing in the reference discloses that receptacles are integrally formed on a

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Application No. 10/008,346

bottom surface of a platform and are configured for receiving load cells. Instead, the reference describes only that channels 13 are provided on the bottom of the platform to route conductors from the sensors to other electrical components used in the electrical weighing scale. This disclosure is insufficient for a rejection of claim 1.

Kroll, on the other hand, discloses a weighing scale having a base and a platform, with load strain cells mounted between the two. The reference does not disclose a platform having integral receptacles for receiving load cells having feet, the feet each being configured to engage a contact surface exterior to the scale, such as the ground.

Applicants respectfully disagree with the combination of the *Kroll* and *Germantown* references to come up with the invention of Claim 1. According to the Office action, it would have been obvious to the ordinary practitioner to integrally form load cell receptacles on the bottom of a load platform of *Germantown*, motivated by a desire to provide a smooth contact surface for the load cells and to fix their location. At the outset, *Germantown* shows separate receptacles, not integral. Moreover, in *Kroll*, the recessed load cells are positioned in a *base* of the scale, and are not recessed in the platform. In contrast, in the scale of Claim 1, the receptacles are positioned in the platform, a feature not shown or made obvious by the cited references. Moreover, in the scale of Claim 1, the bottom portion of the load cells includes a foot that engages a contact surface such as the ground. The contact surface is exterior to the scale, and thus the platform and the load cells together form a structure that is capable of performing as a scale, without the need for additional structures such as the base.

For at least the foregoing reasons, Claim 1 is patentable over the cited references, and the rejections should be withdrawn.

For the sake of clarity, the independent claim of the application is discussed in this Amendment. Applicants submit that the independent claim is allowable, and therefore the dependent claims are allowable at least because they are dependent upon an allowed claim. Nevertheless, Applicants submit that the dependent claims further define subject matter not shown or made obvious by the prior art.

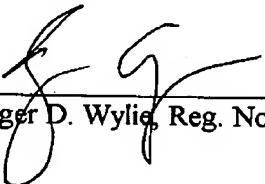
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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1-4 and 6-34 define patentable subject matter, and that the application is in good and proper condition for allowance. Such action is respectfully solicited.

If the foregoing does not result in a Notice of Allowance in the application, Applicants earnestly solicit the Examiner to call the undersigned at 206-521-5984.

Respectfully submitted,



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